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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,552	12/19/2008	David Ziger	US03 0357 US2	3912
65913	7590	06/23/2010	EXAMINER	
NXP, B.V.			ABDELAZIEZ, YASSER A	
NXP INTELLECTUAL PROPERTY & LICENSING				
M/S41-SJ			ART UNIT	PAPER NUMBER
1109 MCKAY DRIVE				2812
SAN JOSE, CA 95131				
NOTIFICATION DATE		DELIVERY MODE		
06/23/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/576,552	ZIGER, DAVID	
	<b>Examiner</b>	<b>Art Unit</b>	
	YASSER A. ABDELAZIEZ	2812	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 19 December 2008.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 7-14 is/are allowed.  
 6) Claim(s) \_\_\_\_\_ is/are rejected.  
 7) Claim(s) 1-6 and 15 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 19 April 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>04/19/2006</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____ .

**DETAILED ACTION**

***Drawings***

The drawings are objected to under 37 CFR 1.83(a) because they fail to show steps followed for determining the relative swing amplitude in FIG. 3 as shown in FIG. 3 of the provisional application 60/512,744 filed 10/20/2003 as described in the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

Claims 1-6 and 15 are objected to because of the following informalities: The abbreviation CD should be clearly spelled out as “critical dimension”. Appropriate correction is required.

***Allowable Subject Matter***

Claims 7-14 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record, either singularly or in combination, does not disclose or suggest the combination of limitations as claimed.

In the instant case **Ziger** (US 5,982,496) disclose method for measuring thickness of a patterned film using reflectance spectroscopy as a function of focal length of the scanned light.

On the other hand, **Schiltz et al.** (“Concept of two-dimensional swing curves for critical dimension prediction and optimization of resist/antireflective coating bilayers in topographic situations”, Opt. Eng., 39(3), pp 776-786, 2000) disclose a method for optimizing critical dimensions based on the reflectance variation as a function of resist/resist/ARC coating thicknesses.

Therefore, the prior art of record, either singularly or in combination, doesn’t have the teaching, suggestion or motivation for:

coating a first wafer with a first photo resist having a first thickness in accordance with a first process;

coating a second wafer with a second photo resist having a second thickness in accordance with a second process, the second photo resist for providing different optical characteristics than the first photo resist at an actinic wavelength;

exposing the first coated wafer to the actinic wavelength;

exposing the second coated wafer to the actinic wavelength; sensing a first reflectance of the first photo resist within a predetermined range of the actinic wavelength to determine first peak height data and first valley data;

sensing a second reflectance of the second photo resist within a predetermined range of the actinic wavelength to determine second peak height data and second valley data; and

determining a relative swing ratio for the first and second processes in dependence upon the first peak height data, the first valley data, the second peak height data and the second valley data.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YASSER A. ABDELAZIEZ whose telephone number is (571)270-5783. The examiner can normally be reached on Monday to Thursday 7:30-5 Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Garber can be reached on 571-272-2194. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YASSER A ABDELAZIEZ  
Examiner, Art Unit 2812

/Charles D. Garber/  
Supervisory Patent Examiner, Art Unit 2812